

Serial No. 10/069,685

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

#5

Patent Application

Inventor: Ketan Ruparel

Case: 1

Serial No.: 10/069,685

Group Art Unit:

International Application No: PCT/EPO/05709

I.A. Filing Date: June 20, 2000

Priority Date: August 31, 1999

Examiner:

Title: Method and Apparatus for Establishing
Communication

**ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231**

01/15/2003 LLANDGRA 00000085 122325 10069685

01 FC:1460
SIR: 130.00 CH

**PETITION UNDER 37 C.F.R. 147(b) WHEN
ALL THE INVENTORS CANNOT BE REACHED**

1. This Petition under 37 C.F.R. 147(b) is to accept filing of an unsigned Declaration when an inventor cannot be reached.

2. Attachments – Attached are:

a) a Verified Statement of Facts establishing that the inventor, an employee of Lucent Technologies, Inc. ("Lucent") at the time the invention was made, could not be reached after diligent efforts to locate him;

b) a copy of a PCT-specific Power of Attorney signed by the inventor prior to the filing of a priority PCT application, which was filed under the name of Lucent and naming this inventor as the sole inventor; and

c) an unsigned Declaration and Power of Attorney.

3. The inventor who cannot be reached is:

Ketan Ruparel, a citizen of Great Britain, whose last known address is 12 Winsdon Road, Luton, Bedfordshire LU1 5JT, Great Britain.

4. The conduct of the Records Officer detailed in the attached Verified Statement of facts constitutes diligent efforts and your petitioner prays, therefore, that the Commissioner grant this petition under 37 C.F.R. 1.47(b) as an inability to reach the inventor. Such action is necessary to preserve the intellectual property rights of Lucent and to prevent abandonment of the subject application for failure to respond to a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed May 20, 2002.

Please charge **Lucent Technologies Deposit Account No. 12-2325** the amount of \$130, to cover the petition fee set forth in 37 C.F.R. 1.17(i). Duplicate copies of this petition are enclosed. In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or credit **Deposit Account No. 12-2325** as required to correct the error.

By Stephen M. Gurey
Stephen M. Gurey, Attorney
Reg. No. 27336
(908) 582-7038

Date AUG. 20, 2002

Docket Administrator (Room 3J-219)
Lucent Technologies, Inc.
101 Crawfords Corner Road
Holmdel, New Jersey 07733-3030

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Patent Application

Inventor: Ketan Ruparel

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Title: Method and Apparatus for Establishing
Communication

**ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231**

SIR:

VERIFIED STATEMENT OF FACTS UNDER 37 C.F.R. 1.47

I, Valerie Barnes, hereby declare and say that:

1. My official job title is Records Officer in the Intellectual Property Business Unit of Lucent Technologies, Inc. in Woodford Green, United Kingdom. My office files the patent applications in the European Patent Office of the applications that are first filed by Lucent Technologies in the United States, and first files the applications in the EPO or through the PCT of applications for inventions made outside the United States in the United Kingdom and elsewhere. I am familiar with and have first-hand knowledge of the facts recited below.

2. The subject patent application was first filed on August 31, 1999 in the EPO in the name of Lucent Technologies ECS Ltd. A PCT application was filed on June 20, 2000 claiming priority of the previously filed EPO application of August 31, 1999 which was then abandoned. The PCT application was filed

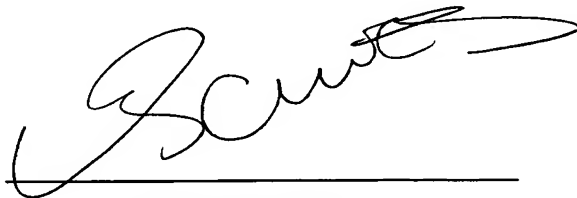
under the name of Lucent Technologies, Inc. and named Ketan Ruparel as the sole inventor. In May, 2000, Mr. Ruparel signed a PCT-specific power of attorney, a copy of which document is attached hereto. At that time Mr. Ruparel was an employee of Lucent Technologies in Welwyn Garden City, Hertfordshire, United Kingdom.

3. On November 15, 2001, in preparation of the filing of the subject application with the United States Patent and Trademark Office, I sent to Mr. Ruparel's home address of 12 Winsdon Road, Luton, Bedfordshire LU1 5JT, United Kingdom, a Declaration and Power of Attorney, and an Assignment and Agreement for him to sign for filing with the U.S. application. They were returned to our office by the postal services as being undeliverable in that the addressee was no longer living at that address.

4. On November 22, 2001, after receiving the returned documents, I contacted Lucent Technologies' Human Resources department in the United Kingdom in an attempt to locate a forwarding address for Mr. Ruparel. In a return email to me they indicated that they could not find him on their system.

5. I subsequently tried to locate Mr. Ruparel by searching in various directories, both manually and on the Internet. I was unable to locate him.

6. The undersigned declares that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the application or of any patent issued thereon.



Valerie Barnes

12 AUGUST 2002

Date

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Ketan Ruparel

CASE 1

Serial No. 10/069,685 Group Art Unit

Filed June 20, 2000

Examiner

Title Method And Apparatus For Establishing Communication

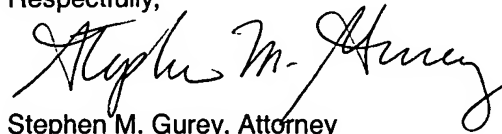
ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Enclosed is a Petition under 37 CFR 147(b) in the above-identified application.

Please charge Lucent Technologies **Deposit Account No. 12-2325** the amount of \$130, to cover the petition fee set forth in 37 CFR 1.17(i). Duplicate copies of this petition are enclosed. In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **Deposit Account No. 12-2325** as required to correct the error.

Respectfully,



Stephen M. Gurey, Attorney
Reg. No. 27,336

Date: Aug 20, 2002

Docket Administrator (Room 3J-219)
Lucent Technologies Inc.
101 Crawfords Corner Road
Holmdel, NJ 07733-3030

I hereby certify that this correspondence is being
deposited with the United States Postal Service as
first class mail in an envelope addressed to: Assistant
Commissioner of Patents and Trademarks, Wash-
ington, D.C. 20231, on 8/20/02
Fan/Re (Date of Deposit)
8/20/02
Date

CS+6/smg

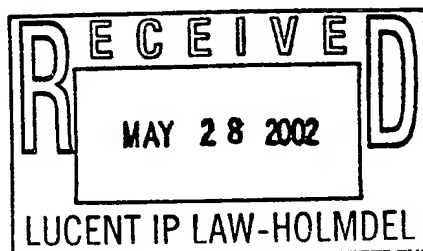


UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

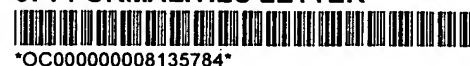
| | | |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10 069,685 | Douglas Gisby | Ruparel - 1 |

Docket Administrator
Lucent Technologies
Room 3J-219
101 Crawfords Corner Rd
Holmdel, NJ 07733-3030



| | |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. | |
| PCT/EP00/05709 | |
| I.A. FILING DATE | PRIORITY DATE |
| 06/20/2000 | 08/31/1999 |

CONFIRMATION NO. 3746
371 FORMALITIES LETTER



OC00000008135784

Date Mailed: 05/20/2002

Due: 7/20/02

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Request for Immediate Examination
- Substitute Specification

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice **MUST** be returned with the response.

PATRICIA A BOOKER

Telephone: (703) 305-3738

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/069,685 | PCT/EP00/05709 | Ruparel - 1 |

FORM PCT/DO/EO/905 (371 Formalities Notice)

SPECIFIC POWER OF ATTORNEY
(for an international application filed under the Patent Cooperation Treaty)

(PCT Rule 90.4)

The undersigned applicant(s) (Names should be indicated as they appear in the request):

KETAN RUPAREL
12 WINDSON ROAD
LUTON
BEDFORDSHIRE LU1 5JT
UNITED KINGDOM

Hereby appoints (appoint) the following person as:

☒ agent

☐ common representative

Name and address

(Family name followed by given name: for a legal entity, full official designation. The address must include postal code and name of country)

JOHNSTON, KENNETH GRAHAM
BUCKLEY, CHRISTOPHER SIMON THIRSK
WATTS, CHRISTOPHER MALCOM KELWAY
WILLIAMS, DAVID JOHN

ALL OF: LUCENT TECHNOLOGIES UK LIMITED
5 MORNINGTON ROAD
WOODFORD GREEN
ESSEX. IG8 0TU
UNITED KINGDOM

to represent the undersigned before

☒ all the competent International Authorities

☐ the International Searching Authority only

☐ the International Preliminary Examining Authority only

in connection with the international application identified below:

Title of the invention: Method and Apparatus for Establishing Communication


Applicant's or agent's file reference: K Ruparel 1

International application number (if already available):

filed with the following Office The European Patent Office
Office and to make or receive payments on behalf of the undersigned.

as receiving

Signature of the applicant(s) (where there are several applicants: each of them must sign: next to each signature, indicate the name of the person signing and the capacity in which the person signs, if such capacity is not obvious from reading the request or this power):

Signature:  **Ketan Ruparel**

Date: 25/5/2000

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Declaration and Power of Attorney

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **Method And Apparatus For Establishing Communication** the specification of which

[] is attached hereto

OR

[] was filed on _____ and granted Application Serial Number _____.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to in this oath or declaration.

I acknowledge the duty to disclose all information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

European Application No. 99306916.0 August 31, 1999

I hereby claim the benefit under Title 35, United States Code, 120 of any foreign application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

**International
Application No.
PCT/EP00/05709**

**Filing Date
20TH June 2000**

**Status
Pending**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorney(s) with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith:

| | |
|------------------------|------------------|
| Kenneth M. Brown | (Reg. No. 37590) |
| Donald P. Dinella | (Reg. No. 39961) |
| Martin I. Finston | (Reg. No. 31613) |
| Barry H. Freedman | (Reg. No. 26166) |
| Julio A. Garceran | (Reg. No. 37138) |
| Jimmy Goo | (Reg. No. 36528) |
| Stephen M. Gurey | (Reg. No. 27336) |
| John M. Harman | (Reg. No. 38173) |
| Matthew J. Hodulik | (Reg. No. 36164) |
| Eugene S. Indyk | (Reg. No. 30711) |
| Michael B. Johannesen | (Reg. No. 35557) |
| Irena Lager | (Reg. No. 39260) |
| John B. MacIntyre | (Reg. No. 41170) |
| Christopher N. Malvone | (Reg. No. 34866) |
| John F. McCabe | (Reg. No. 42854) |
| Michael A. Morra | (Reg. No. 28975) |
| Gregory J. Murgia | (Reg. No. 41209) |
| Neil R. Ormos | (Reg. No. 35309) |
| Eugene J. Rosenthal | (Reg. No. 36658) |
| Bruce S. Schneider | (Reg. No. 27949) |
| Ozer M.N. Teitelbaum | (Reg. No. 36698) |
| Jeffrey M. Weinick | (Reg. No. 36304) |

I hereby authorize these attorneys to insert in the above blanks the filing date and application serial no. when known.

Please address all correspondence to the Docket Administrator (Rm. 3J-219), Lucent Technologies Inc., 101 Crawfords Corner Road, Holmdel, New Jersey 07733-3030. Telephone calls should be made to David Alex Sarup by dialing 011-44-208-504-2824.

Full name of sole inventor: Ketan Ruparel

Inventor's signature _____ Date _____

Residence: Luton, Bedfordshire, Great Britain

Citizenship: Great Britain

Post Office Address: 12 Winsdon Road
Luton
Bedfordshire LU1 5JT
Great Britain



Intellectual Property Division
Chartered Patent Attorneys
European Patent Attorneys
C.S.T. BUCKLEY
C.M.K. WATTS
European Patent Attorney
D.A. SARUP

Lucent Technologies NS UK Ltd
5 Morningside Road
Woodford Green
Essex IG8 0TU
England
Telephone: 020 8504 2824/9688
Facsimile: 020 8505 7829

15 November, 2001

Ketan Ruparel
12 Winsdon Road
Luton
Bedfordshire LU1 5JT

Dear Mr Ruparel

US Patent Application to be filed – Our Ref. K Ruparel 1

We shall shortly be filing a US application corresponding to the current International application already on file.

The US Patent Office requires us to file certain forms in connection with the application; these forms are enclosed with this letter and I should be grateful if you would kindly sign and return them without delay.

The Declaration and Power which is attached to a copy of the specification to be filed just needs to be signed and dated in the appropriate place. Please leave the form attached to the specification.

The Assignment and Agreement should be witnessed by (i) a Commissioner for Oaths if that is convenient or else (ii) have the signature witnessed by any other solicitor. If that is also not convenient then (iii) witnessing by anyone else is acceptable

There are severe financial penalties for Lucent if these forms are not filed at the correct time, i.e. at the time of filing the application, therefore I should be most grateful to receive the signed forms as soon as possible please.

With many thanks for your help.

Yours sincerely

VALERIE BARNES

VERIFIED STATEMENT & LEGAL MEMORANDUM UNDER 37 CFR 1.47

I, Dr. David Alexander Sarup, a United Kingdom Patent Attorney and European Patent Attorney and employee of Lucent Technologies Network System's UK Limited declare as follows:

1. On 29th January 2003, I contacted Clare Jilbert of Lucent Technologies Network Systems UK Limited's Human Resources Department asking them to check again whether they had a record of Ketan Ruparel. In reply I received a two-page fax dated 31st January 2003, a copy of which is attached hereto. It will be seen that Ketan Ruparel's job title is "Platforms Dev Manager" which I believe is short for Platforms Development Manager.

2. The applicable law as to ownership of the invention from this inventor employed in the UK is laid out in United Kingdom Patents Act 1977 sections 39(1) and 43(2), copies of which are attached hereto.

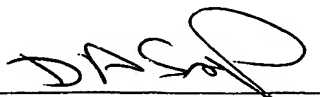
3. I believe on creation of the invention, title lay with the inventor's employer, Lucent Technologies ECS Limited, by virtue of Section 39 (1) (a). This because I believe it would be amongst the normal duties of a Platforms Developments Manager to invent in the technical field of the invention.

4. Additionally, I believe title lay to the inventor's employer by virtue of Section 39 (1) (b). In having a management position, I believe the employee would have a special obligation to further the interests of the employer's undertaking.

5. It should be noted that under S.43 (2), S.39 (1) applies where the inventor was mainly employed in the United Kingdom. Our patent application file including pre-filing invention submission documents indicate that Ketan Ruparel was so employed.

6. As explained in S.39 (1), S.39(1) applies for the purpose of "this Act and all other purposes". I believe this would include in respect of title to the present US patent application.

7. I believe title passed to the applicant, Lucent Technologies Inc., on the basis that at the date of invention Lucent Technologies ECS Limited was a subsidiary of Lucent Technologies Inc.



David Alexander Sarup

26th February 2003

Date

Employees' inventions

right to
employees'
inventions.

39.—(1) Notwithstanding anything in any rule of law, an invention made by an employee shall, as between him and his employer, be taken to belong to his employer for the purposes of this Act and all other purposes if—

- (a) it was made in the course of the normal duties of the employee or in the course of duties falling outside his normal duties, but specifically assigned to him, and the circumstances in either case were such that an invention might reasonably be expected to result from the carrying out of his duties ; or
- (b) the invention was made in the course of the duties of the employee and, at the time of making the invention, because of the nature of his duties and the particular responsibilities arising from the nature of his duties he had a special obligation to further the interests of the employer's undertaking.

(2) Any other invention made by an employee shall, as between him and his employer, be taken for those purposes to belong to the employee.

Supple-
mentary.

43.—(1) Sections 39 to 42 above shall not apply to an invention made before the appointed day.

(2) Sections 39 to 42 above shall not apply to an invention made by an employee unless at the time he made the invention one of the following conditions was satisfied in his case, that is to say—

- (a) he was mainly employed in the United Kingdom ; or
- (b) he was not mainly employed anywhere or his place of employment could not be determined, but his employer had a place of business in the United Kingdom to which the employee was attached, whether or not he was also attached elsewhere.

PART I

Lucent Technologies
Bell Labs Innovations



Facsimile

| | | |
|----------|-----------------|--|
| To | Alex Sarup | 020 8505 7829 |
| Date | 31 January 2003 | |
| From | Clare Jilbert | Lucent Technologies The Quadrant Stonehill Green Westlea Swindon Wiltshire SN5 7DJ |
| FAX No. | +44 1793 776948 | |
| Tel. No. | +44 1793 776786 | No of pages 2 including front sheet |
| Ref: | | |
| Subject | | |

Alex,

Please find attached the screen
shot from the HR System
with regards to Katan Ruparel's
job title.

Regards
Clare Jilbert

[Home](#) > [Administer Workforce](#) > [Administer Workforce](#) > [Use](#) > [Job Data](#)[New Window](#)[Employment Information](#)[Employment Dates](#)

Ruparel, Ketan

Employee

ID: 9180460

Empl Rcd#: 0



*Home/Host:

[Home](#)

Business Title:

Platforms Dev Manager

Work Room Number / Mail Drop:

▶  Canada▶  USA[Job Data](#)[Employment Data](#)[Earnings Distribution](#)[Benefits Program P](#) Save Return to Search Previous tab Next tabEmployment Information | [Employment Dates](#)